

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-15-04
KALISPELL INDUSTRIAL CENTER UNIT #2 REVISITED
AUGUST 19, 2015**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request for preliminary plat approval of Kalispell Industrial Center Unit #2 Revisited, a major subdivision that would create 2 commercial/industrial lots. Located approximately 4 miles south of Kalispell, the subject property is located at 150 Industrial Court.

The Planning Board will hold a public hearing in the Earl Bennett Building conference room at 1035 First Avenue West, Kalispell on September 9, 2015 to review the proposal and make a recommendation to the Flathead County Commission. Final action on this proposal by the governing body must be taken prior to the review deadline of October 9, 2015. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, located in the Earl Bennett Building at 1035 First Avenue West, Kalispell, Montana.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposal is not located within the advisory area of a Land Use Advisory Council.

B. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on September 9, 2015 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

C. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to October 9, 2015 which is the end of the 60 working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

II. GENERAL INFORMATION

A. Project Personnel

i. Developer/Technical Representative

Marquardt Surveying
201 3rd Ave W
Kalispell, MT 59901

ii. Owner

Bob King
Eagle Pointe West Properties, LLC
150 Industrial Court
Kalispell, MT 59901

B. Project Description

The request is for preliminary plat approval of Kalispell Industrial Center Unit #2 Revised, a 2 lot commercial/industrial major subdivision with lots 0.64 and 3.10 acres in size. Both lots would be served by a shared well and shared wastewater treatment system. Primary access would be from Industrial Court and no additional internal improvements are anticipated.

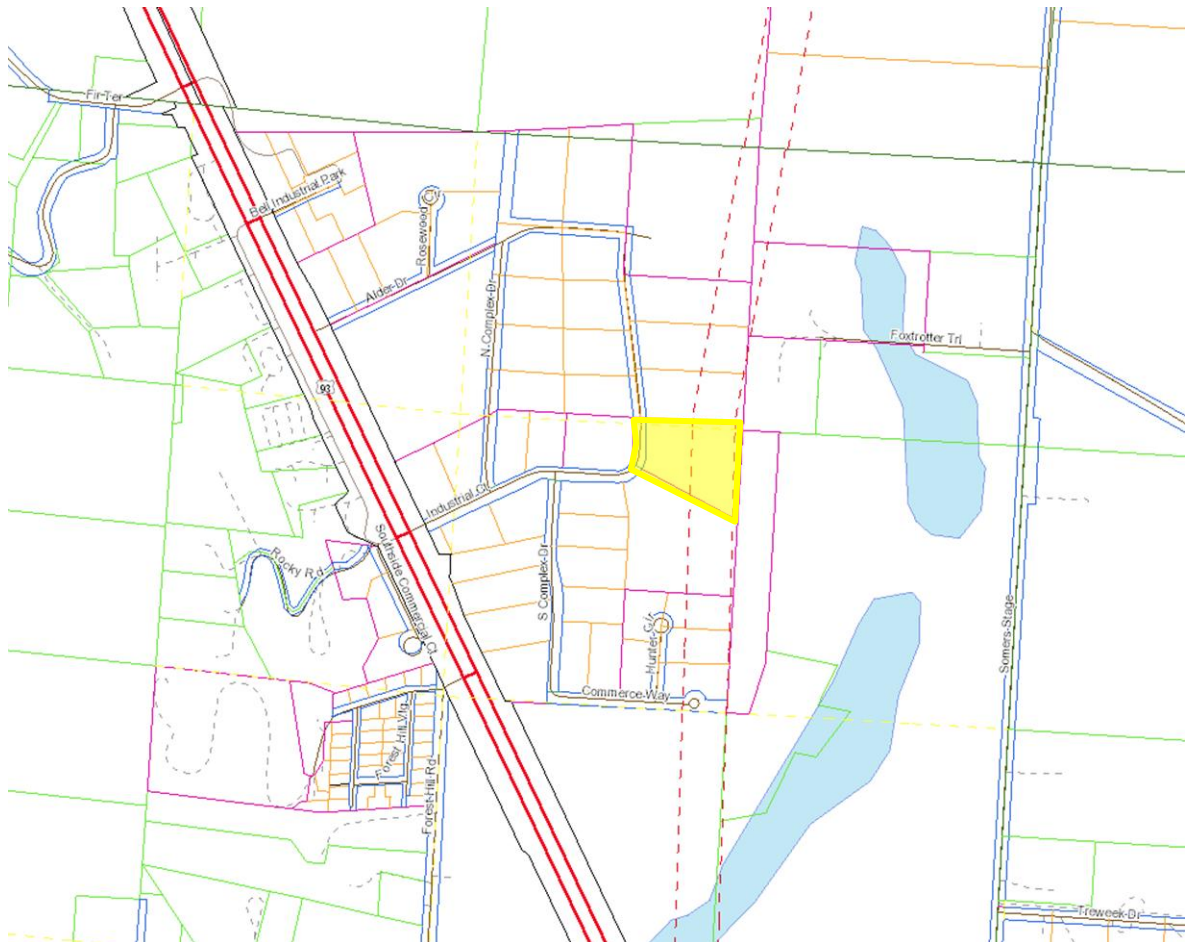
C. Legal Description of Subject Property

The proposed subdivision would occur upon one tract of record that can be legally described as Lot 1 of Kalispell Industrial Center Unit #2 in Section 10 Township 2 North, Range 21 West, P.M.M., Flathead County, Montana.

D. Detailed Location

Situated approximately 4 miles south of Kalispell, the subject property is located at 150 Industrial Court (Figure 1).

Figure 1- Subject property (highlighted yellow) and vicinity



E. Subdivision Layout Detail

- | | |
|-------------------------------|------------|
| i. Total Subdivision Acreage: | 3.75 acres |
| ii. Acreage in Lots: | 3.45 acres |
| iii. Acreage in Roads: | 0.3 acres |

- iv. **Total Park/Common Area/Open Space Acreage** 0 net acres
- v. **Minimum Lot Size** 0.64 acres
- vi. **Maximum Lot Size** 3.10 acres
- vii. **Overall Gross Lot Density:** 1 unit per 1.88 acres
- viii. **Easements**
 The preliminary plat indicates:
 - Existing 60-foot wide private road and utility easement for Industrial Court
 - Existing 200-foot wide BPA easement on Lot 2
 - Proposed 15-foot wide water line easement
 - Proposed 15-foot wide sewer line easement

F. Administrative Characteristics

i. Current Land Use

The subject property is currently developed with an office building and a shop/warehouse which have been in place since 2005. A shared driveway and approach currently exists to access both buildings.

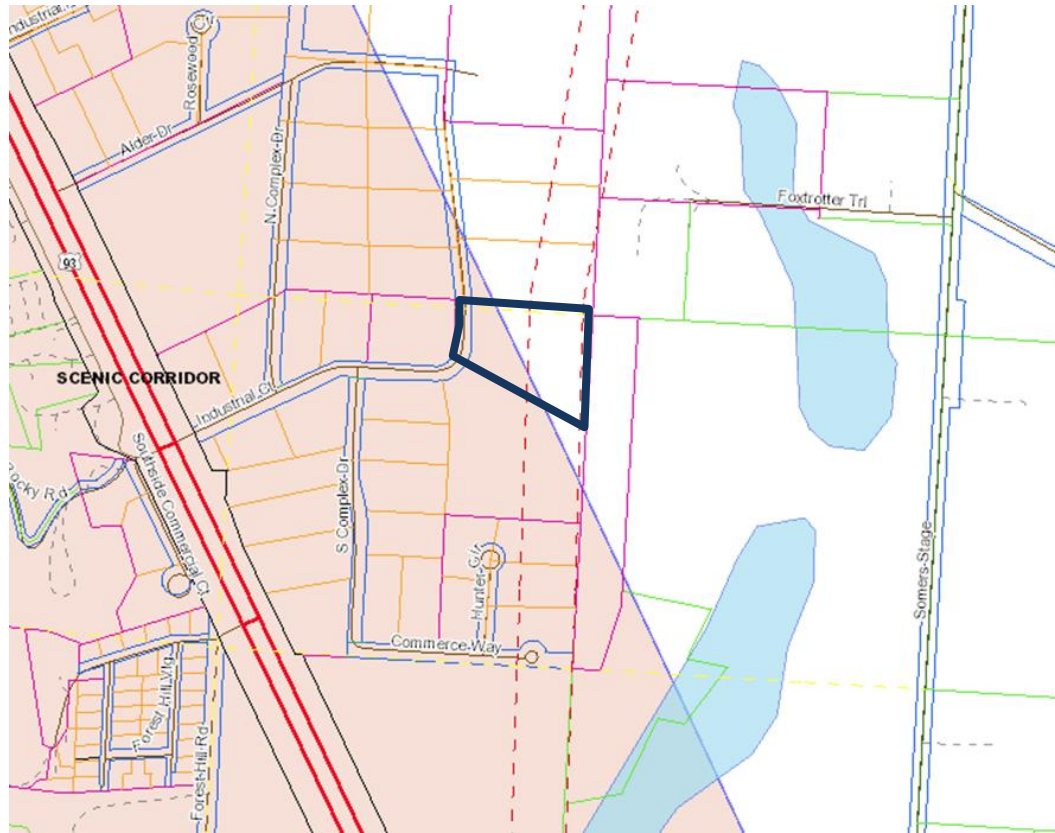
Figure 2 - Current land use and land cover (subject property shown blue)



ii. Current Zoning

Located just south of Kalispell along Highway 93, the subject property is partially zoned Scenic Corridor and partially unzoned (see Figure 3).

Figure 3 - Existing zoning on the subject property (Property shown blue)



iii. Proposed Land Use

The proposed Kalispell Industrial Center Unit #2 Revisited would create a 2-lot commercial/industrial subdivision which would utilize the existing office and warehouse. No further development of the lot is anticipated at this time.

G. Area Characteristics

i. Description of Area Surrounding Proposed Subdivision

Located approximately ¼ of a mile east of Highway 93, the subject property is located within a larger commercial/industrial complex. The proposed subdivision is on the far east edge of the industrial development and properties east of the subject property along Somers Stage Road consist of undeveloped lots, low density residential and agricultural land use.

ii. Zoning

As shown in Figure 3 the subject property is located partially within the Scenic Corridor zoning. Surrounding zoning consists of the Scenic Corridor Zoning along Highway 93 and unzoned property to the east and northeast.

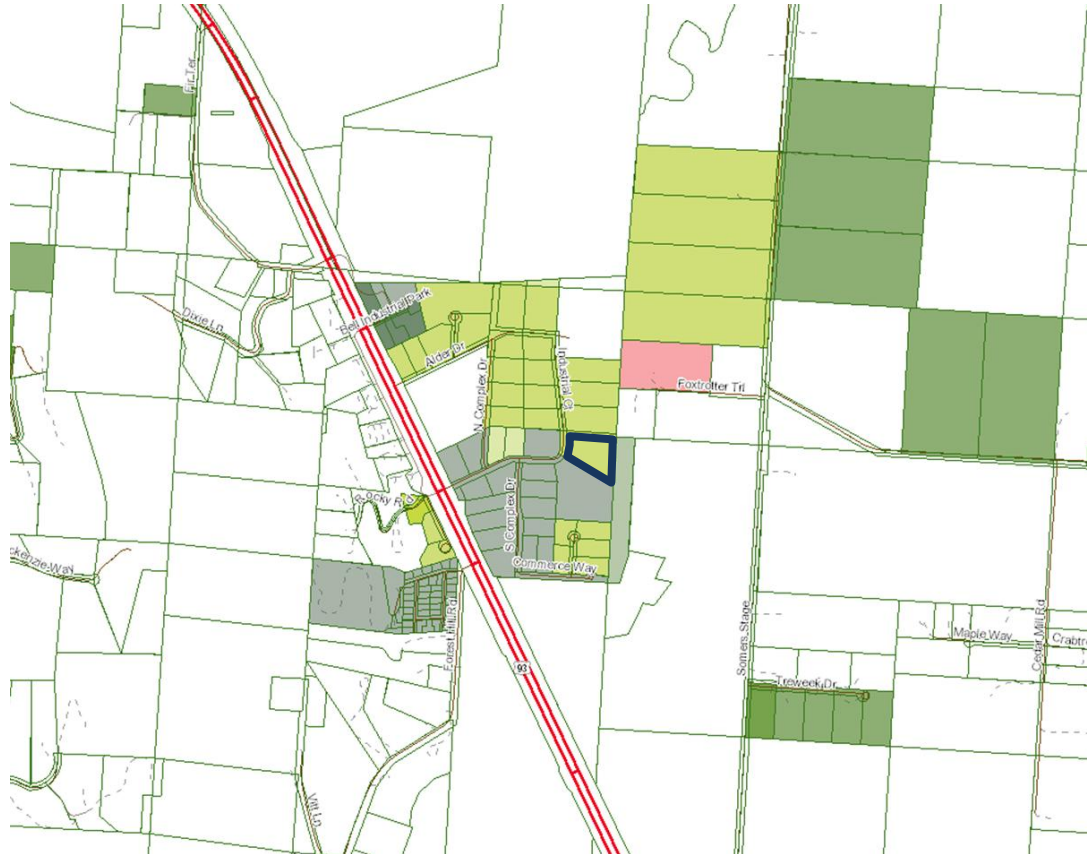
iii. Land Uses

As mentioned above, the subject property is situated between the Kalispell Industrial Center Unit #1 and Alpine Industrial Park. While the Alpine Industrial Park has not been fully developed, warehouses within the Kalispell Industrial Center include the Coca Cola Bottling, Building Material and Construction

Services, Connector Technology Inc., Counter Assault, Kelly's Auto Body and Mountain Side Auto. Areas outside of the industrial complex contain residential and agricultural properties to the east as well as the Word of Life Christian Complex to the south.

iv. Previously Considered Subdivisions in Area

Figure 4 - Area subdivisions (Subject property shown blue)



As shown in Figure 4 above, a few subdivisions are located within the vicinity of the proposal including the Alpine Industrial Park Phase 1 and 2 to the north and the Kalispell Industrial Center Unit No. 1 to the south/southwest. Some low density residential subdivisions exist along Sommers Stage Road.

H. Utilities and Services

- i. Water**
Shared well
- ii. Wastewater**
Shared septic system
- iii. Solid Waste**
Contract Haul
- iv. School District(s)**
Sommers School District #29, Flathead High School
- v. Fire District(s)**

Somers-Lakeside Fire District

vi. Police

Flathead County Sheriff's Department

III. COMMENTS RECEIVED

A. Agency Comments

The subdivision file contains a copy of the agency referral document sent on July 20, 2015. As of the date of completion of this staff report, the following comments have been received:

- Dave Prunty, Flathead County Road and Bridge Department
 - o The Department does not have any comments on the application at this time.
- Peggy Beekman-Weyant, Bonneville Power Administration
 - o BPA does not have any objections to the approval. The proposed plan appears to not affect any BPA facilities located within the area.
- Marc Pitman, DNRC
 - o “According to the Department’s records the owners of Unit #2 have not filed a water right. If in fact the owners have not filed a water right, then they are in violation of the Montana Water Use Act. A 602 should have been filed 60 days after the water was placed to use if the pumping rate was no greater than 35 GPM and the use was no greater than 10 AF/year. If either of these are exceeded then a permit must be obtained.”
- Kenneth Breidinger and Jessy Coltrane, Montana Fish, Wildlife and Parks
 - o “Montana Fish, Wildlife and Parks has not comment”
- Steve Robinson, Flathead County Weed, Parks and Recreation
 - o A Soil Disturbance and Weed Management Plan is enclosed to be completed and returned within 10 days.
- Wendee Jacobs, Flathead Environmental Health Services
 - o “The subdivision has a previous Certificate of Subdivision Approval. The proposed division requires review under the Sanitation in Subdivisions Act”

B. Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on April 19, 2015, legal notice was published in the Daily Interlake on August 23, 2015, and notice of the proposal and public hearing was physically posted onsite on August 19, 2015.

As of the date of the completion of this staff report, no public comments have been received from the general public regarding the proposal.

Any written public comment received after August 26, 2015 will be summarized verbally and entered into the public record during the Planning Board hearing on September 9, 2015. Anyone wishing to provide verbal public comment may do so in person at the September 9, 2015 Planning Board hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed.

i. Impact on Agriculture

The 3.75 acre subject property has not been used for agricultural production within the past decade and would have no additional impact on agriculture as no new land use or development is anticipated. The Environmental Assessment indicates that while the area may have been used for hay production in past years, no “known records of crop production or yield” on the relatively small lot exist. Additionally, the current development on the lot has been in existence since 2005 and is part of a larger commercial/industrial complex that would not reasonably accommodate agricultural production.

Finding #1 – There would be no new impact on agriculture as the subject property has not been used for agricultural production in the past decade and the relatively small lot is located within a larger industrial/commercial complex that would not reasonably support agricultural production.

ii. Impact on Agricultural Water User Facilities

As indicated in the submitted Environmental Assessment, the subject property is not developed with irrigation infrastructure, is not in an irrigation district or party to any irrigation agreements, and serves no irrigation water to adjacent or neighboring properties.

Finding #2- There would be no impact to agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any apparent existing irrigation agreements.

iii. Impact on Local Services

1. Water and Wastewater

The application indicates that the two proposed lots will continue to utilize the existing well and septic system. While the septic system is located on proposed Lot 2, the well is situated just north of the subject property on Lot 5 of the Alpine Industrial Park Phase 2 subdivision. Although the well currently exists off-site, the water line within the subdivision is located in a proposed 15 foot water line easement on proposed Lot 2 until it reaches the boundaries of Lot 1. An easement will need to be obtained for the portion of the well line located outside of the proposed subdivision and a well user’s agreement established.

According to the water and wastewater MDEQ information prepared by Environmental Health Consulting, the existing wastewater treatment system was designed to accommodate both buildings at 8 occupants and was approved by the Flathead County Environmental Health Department on August 10, 2005. As indicated on the plat, a 15 foot sewer line easement surrounds the drainfield and sewer line portion located on proposed Lot 2.

According to well log data obtained from Montana Ground Water Information Center, the well was constructed in 2005 when the Kalispell Industrial Center Unit #2 was initially created and has served the office and warehouse since then. Marc Pitman of the DNRC has indicated that a water right has not been filed with the DNRC Water Resources Department. In order to comply with the Montana Water Use Act, the applicants will be required to file Form 602 if the pumping rate is no greater than 35 gpm and the use is no greater than 10 acre-feet/year. If the water use exceeds these levels then a water right must be obtained and a provisional permit shall be required before final plat approval. As with all subdivisions, both water and sewer services for the proposed subdivision would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

Finding #3 - The water supply and wastewater management for the proposed subdivision appears to be acceptable with the imposition of conditions because lots will continue to use the existing well and septic system, all components of the system within the subdivision are located in appropriately sized easements, conditions of approval will ensure appropriate easements off-site and water rights are obtained, as applicable, and both the water and wastewater system will be required to be reviewed and permitted by the Montana Department of Environmental Quality as applicable.

2. Schools

Although the proposal is located within the Somers School District #29, no school age children are anticipated as a result of the subdivision because the proposal specifies a commercial/industrial land use. Because of this, no impacts to area schools are anticipated with this subdivision.

3. Mail Delivery

The subject property currently uses a centralized mailbox within the Kalispell Industrial Center for mail delivery. It is expected that the new lot created by this subdivision will use the centralized mailbox as room exists for an additional user. The additional mailbox within the centralized mail facility serving the proposed subdivision shall require review and written approval from the local postmaster as a condition of final plat approval.

4. Recreation

Since the proposal is for a two lot commercial/industrial subdivision, no parkland is required per FCSR 4.7.24(a)(ii) as the lots are part of a non-residential subdivision.

Finding #4- Impacts on local services will be acceptable with the imposition of standard conditions because the proposed subdivision would have no impact on local schools, mail delivery will be approved by the postmaster, and no recreational facilities are required for commercial or industrial subdivisions.

5. Roads

Primary access to the subdivision exists via Industrial Court, a paved local road. While the portion of Industrial Court to the southwest of the subject property is maintained by Flathead County, the portion of the road directly accessing the lots is located within the proposed subdivision boundaries and will be privately maintained by the lot owners.

The preliminary plat indicates that Lot 1 and Lot 2 would share the existing approach which is approximately 30 feet at the narrowest. The first 20 feet of the shared approach from the primary access exist within the 60-foot private road and utility easement that encompasses the privately maintained portion of Industrial Court. While all portions of the road/shared driveway will be maintained by the owners as required in the Road Users Agreement provided with the application materials, land owners could reasonably utilize Industrial Court and Alder Drive which connects to Highway 93 as shown on the Alpine Industrial Park subdivision. According to Section 4.7.15 (e), lot owners of the proposed subdivision “... *shall be required to pay a pro-rata share of road maintenance for the shared portion of the existing subdivision roads...*” providing access to the subdivision. For this reason, the existing Road Users Agreement and the Alpine Industrial Park Road Users Agreement should be amended to clearly address fair maintenance responsibilities among associated lot owners for the shared road network.

Finding #5- The road system appears to be acceptable with the imposition of standard conditions as the primary access would be from Industrial Court, each lot has legal and physical access via a shared driveway that meets Flathead County Road and Bridge Department standards, and maintenance of the private Industrial Court, shared driveway, and integral access roads shall be addressed via amended Road Users Agreement.

6. Fire/Emergency Medical Services

The proposed subdivision is located within the Somers Fire District, with the main fire station located in Somers approximately 3.5 miles from the subject property. It is not anticipated the proposed two-lot subdivision would overburden the district as the site is relatively close to the fire station and each lot has already been developed and is currently served by the Fire District. Ground ambulance service would be available to serve the proposed subdivision, as well as ALERT service by the Kalispell Regional Medical Center (KRMC). The Environmental Assessment indicates that response times for emergency fire and medical services would be approximately 10 minutes.

7. Police Services

The property is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff. Although solicited, the Sheriff’s Department has provided no comment. Given existing staffing levels, the size of the County and the dispersed nature of the population, service to this subdivision is anticipated to be consistent with other unincorporated areas of Flathead County.

8. Solid Waste Disposal

The applicant has indicated the use of contract haul as the planned method of solid waste disposal which is consistent with the Flathead County Solid Waste District’s request that all new subdivisions in Flathead County use a contract hauler to bring solid waste to the landfill. Pursuant to Section 4.7.22 FCSR the applicant should be required to meet the requirements of the Flathead County Solid Waste District.

9. Other Utilities

Existing electric and telephone utilities are located within the Industrial Court road and utility easement. While utilities for both lots are currently installed, any new

utilities installed in the future shall be extended underground in compliance with Section 4.7.23 FCSR.

Finding #6- Impacts on local services would be acceptable with the imposition of standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management, would be served within an acceptable response time by the Somers-Lakeside Fire District and Flathead County Sheriff's Department in the event of an emergency, and utilities are already existing underground in conformance with the applicable regulations.

iv. Impact on the Natural Environment

1. Water Quality

There is no surface water or indication of shallow ground water present on the subject property. Wastewater from both proposed lots would continue to be managed by the existing septic system located on the east side of Lot 2. According to Environmental Assessment and MDEQ submittal, sufficient room exists for a replacement area for a new drainfield should it be needed. The application includes a draft Stormwater Management Plan indicating stormwater runoff would be managed on-site through roadside drainage ditches and retention swales to provide for absorption and evaporation. No additional stormwater runoff is expected with this subdivision as there are no additional improvements or additional development planned for either lot. While a partially manmade water body and wetland exists approximately 770 feet away from the property, the flat terrain and existing stormwater management improvements indicate that no runoff will reach this water body. The proposed water supply, sanitation, and stormwater drainage for both lots would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality as applicable prior to final plat approval.

Finding #7- Adverse impacts to water quality as a result of the subdivision are not anticipated because the lots would continue to use the existing well and wastewater system that was established with the buildings in 2005, there is no surface water or shallow ground water present on the subject property, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana department of Environmental Quality.

2. Air Quality

Lasting impacts to air quality are not anticipated as a result of the subdivision because the lots will be accessed by a paved road and shared driveway. However, the applicant has submitted a Dust Abatement Plan compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities, if any.

3. Impact of Noise

The subdivision is situated in an area where established commercial/industrial facilities generate regular, substantial noise, including uses in the Kalispell Industrial

Center Unit #1, Alpine Industrial Park, and US Highway 93. As no additional development or improvements are required as a result of the subdivision there will be no construction related noises. The proposed commercial/industrial use is not anticipated to generate permanent continuous noise in excess of those from area development which would cause unacceptable impact to residents or wildlife in the general area.

Finding #8- Adverse impacts to air quality and of noise are anticipated to be acceptable with the imposition of standard conditions as all roads accessing the subdivision and lots are already paved, no other construction is anticipated at this time and the noise from the industrial/commercial buildings will not cause permanent continuous noise in excess of that from the area development.

4. Impact to Flora

While there are no wooded, floodplain, or riparian areas on the subject property which would be impacted by the proposed subdivision, wetlands exist approximately 850 feet to the east of the property. The currently developed subject property consists primarily of groomed landscaping around the office building on Lot 1 and natural grasses around the warehouse on Lot 2. As no additional development is expected as a result of the subdivision, there will be no impact to flora on site or to the adjacent wetlands. Pursuant to Section 4.7.25 FCSR the applicant would be required to develop and implement a weed management plan approved by the Flathead County Weed Board prior to final plat approval.

5. Impact to Floodplain

The subject property is not located in a special flood hazard area and is outside of the 0.2% annual chance flood area.

6. Impact to Riparian/Wetland Areas

No riparian or wetland areas occur on the subject property, however a small scale wetland exists approximately 850 feet to the east of the property. No impacts to the wetlands/riparian areas as no improvements are anticipated with the proposal and the existing riparian and wetland areas are some distance from the lots.

7. Impact to Historical Features

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property.

Finding #9- No new impacts to the natural environment are anticipated as the subject property contains no wooded, floodplain, or riparian areas on site, the nearby wetlands are not anticipated to be impacted by the development, the lots contains only groomed landscaping or natural grasses, and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

v. Impact on Wildlife

The subject property is located within an industrial complex immediately east of Highway 93. According to the Environmental Assessment, the site is year round habitat for black bear, bighorn sheep, elk, grizzly bear, mountain lion, mule deer, and whitetail deer, but no “key” or critical wildlife areas or endangered species exist on or near the

property. Since all improvements are established, new impacts to wildlife as a result of the subdivision are anticipated to be minimal and acceptable.

vi. Impact on Wildlife Habitat

The subject property is relatively flat with no natural surface waters, wetlands, or wooded or riparian areas on site. While the site is year round habitat for black bear, bighorn sheep, elk, grizzly bear, mountain lion, mule deer, and whitetail deer, no “key” or critical wildlife areas exist on or near the property. Since all improvements are established, no impacts to wildlife habitat are anticipated as a result of the subdivision.

Finding #10- Impacts to wildlife and wildlife habitat are anticipated to be minimal and acceptable as the area contains no “key” or critical wildlife or endangered species, there are no natural surface waters, wetlands, or wooded or riparian areas on site or critical wildlife habitat, and all improvements are established resulting in no loss of habitat for the black bear, bighorn sheep, elk, grizzly bear, mountain lion, mule deer, or whitetail deer.

vii. Impact on Public Health and Safety

1. Flood Risk

The subject property has no streams, wetlands or lakes on site, and according to FEMA FIRM Panel 2275G, the subdivision is located in an area designated as Zone X - outside of the 0.2% annual chance floodplain. Therefore the proposal would not introduce adverse impacts to public health and safety in regard to flooding.

Finding #11- The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams or other surface waters on site, and according to FEMA FIRM Panels 2275G, the subject property is located outside of the 0.2% annual chance flood area.

2. Water and Wastewater Treatment

As mentioned above, the proposed lots will be served by an existing well and septic system. As no new improvements are anticipated and use of both buildings is expected to remain the same, the proposed water and wastewater treatment systems appear to be sufficient for the subdivision. However, according to comment from Marc Pitman of DNRC, a water right has not been filed for the well currently in use. In order to continue using the well, either a Form 602 or a water right should be obtained to ensure compliance with the Montana Water Use Act. As with all subdivisions, both water and wastewater services for the proposed subdivision would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

Based on the preliminary plat, 15 foot easements exist along the waterline and sewer line on Lot 2 to provide access to the well and septic system for Lot 1. While the easements appear to be of appropriate width within the proposed subdivision lots, the well exists off-site and an easement should be obtained for both Lot 1 and 2 to have access to the well site.

3. Stormwater

The submitted application includes a conceptual plan for the management of stormwater. The plan calls for directing stormwater into a designed detention swale

on Lot 1 and driveway drainage ditches along the driveway/parking areas on each lot where it may be absorbed within soil thus preventing direct discharge onto roads or adjoining properties. The proposed stormwater management plan would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality, as applicable, prior to final plat approval.

Finding #12- The effects of this proposed subdivision on public health and safety in regard to the proposal for water, wastewater treatment, and stormwater management is acceptable with the imposition of conditions because the existing well and septic system would be used, a water right, as applicable, would be required as a condition of final plat, and the wastewater treatment systems and stormwater management plan would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

4. Road Network

Primary access to the proposed subdivision exists via Industrial Court which extends from Highway 93 and creates a loop with Alder Drive to the north. Industrial Court is a paved, county-maintained local road occurring from Highway 93 to the southern edge of the subject property and privately maintained within the boundaries of the proposed subdivision. All portions of Industrial Court are paved and located within a 60 foot wide road and utility easement.

Access to each lot also appears to be acceptable as the shared approach is located within the 60 foot wide road and utility easement for the private portion of Industrial Court and the driveway expands into a Y-shaped parkway which appears to provide ample room for emergency vehicles to turn around. A Road Users Agreement has been provided with the application materials that would provide for the maintenance of the shared approach. However, as indicated previously, the Road Users Agreement should be amended to include the pro-rata share of road maintenance along the private portions of Industrial Court and Alder Drive that provide integral road access to the proposed lots.

Finding #13- Impacts of the proposed subdivision on the area road network appear to be acceptable because adequate legal and physical access exists to the subdivision via Industrial Court, the shared driveway to proposed Lots 1 and 2 is paved and located within the 60 foot wide road and utility easement, sufficient room for emergency vehicles to turn around exists on site, and the Road Users Agreement will be modified to ensure fair and appropriate maintenance of the internal subdivision roads, shared driveway and the private portions of Industrial Court and Alder Drive.

5. High Voltage Electric Lines/High Pressure Gas Lines

While the Kalispell-Kerr transmission line runs through the eastern portion of the lot, the line exists within a 200 foot wide BPA easement and no development occurs within the easement. Comment from Peggy Beekman-Weyant of BPA has also indicated no concern with the proposal. There are no known high pressure gas lines on or near the subject property.

6. Fire and Emergency Services

The proposed subdivision is located within the Somers-Lakeside Fire District, with the main fire station being located in Somers approximately 3.5 miles from the subject property. It is not anticipated the proposed two-lot subdivision would overburden the district as the site is relatively close to the fire station and each lot has already been developed and currently served by the Fire District. Ground ambulance service would be available to serve the proposed subdivision, as well as ALERT service by the Kalispell Regional Medical Center (KRMC). The Environmental Assessment indicates that response times for emergency fire and medical services would be approximately 10 minutes.

7. Geologic Hazards

The subject property is located in a relatively flat area of Flathead County and the Preliminary Plat indicates only small topographic change in the eastern side of Lot 2. According to the Environmental Assessment submitted with the application materials, no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards is present on the subject property.

8. Avalanche Hazards

The subdivision is not located in an area of the county considered to be prone to avalanche hazards.

9. Airport Influence Areas

The subject property is not within an airport influence area.

10. Soils

As indicated in the submitted NRCS soils survey data, soils on the subject property consist of DB- Demers-Kalispell silt loam 3-7% slopes with a small ½ acre portion consisting of Kx- Kalispell-Demers silt loams with 3-12% slopes. Both soil types are typically well drained and have a low frequency of flooding or ponding.

Finding #14- Minimal risks to public health and safety are anticipated with the imposition of conditions because the existing BPA transmission line is located within a 200 foot easement, there are no high pressure gas lines on or around the subject property, there are no apparent hazards associated with geology, avalanche, or airport influence areas, and soils on the subject property appear to be appropriate to support the existing infrastructure.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #15- The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations

Finding #16- No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 1, 2014 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

D. Compliance with the Flathead County Subdivision Review Procedure

- i. Pre-application Conference Date**
May 5, 2015
- ii. Application Deadline Date (6 months from pre-application)**
November 5, 2015
- iii. Application Submittal Date**
June 26, 2015
- iv. Completeness Date**
July 2, 2015
- v. Sufficiency Date**
July 17, 2015
- vi. Agency Referral Requests Mailing Date**
July 20, 2015
- vii. Adjacent Property Notification Mailing Date**
August 19, 2015
- viii. Legal Notice Publication Date**
August 23, 2015
- ix. On-site Posting of Public Hearing Date**
August 19, 2015

Finding #17- The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 1, 2014.

E. Provision of Easements for the Location and Installation of Planned Utilities

Finding #18- The preliminary plat identifies adequate easements on-site for utilities to serve the subdivision. All other easements associated with this subdivision, including the water line easement required on the property to the north shall be clearly located on the Final Plat or documentation of the easement shall be provided to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

F. Provision of Legal and Physical Access to Each Parcel

Finding #19- Industrial Court will provide legal and physical access to the subdivision and legal and physical access to the individual lots currently exists via the shared driveway. The internal road system would be privately maintained, occurring within a 60 foot wide private road and utility easement.

G. Review of Applicable Plans

76-1-605(2)(b) M.C.A. states that “*A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.*” Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

i. Neighborhood Plan

The proposed Kalispell Industrial Center Unit #2 Revisited is not located within a neighborhood plan area.

ii. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. The location is in an area of the county that is designated as ‘Scenic Corridor’ on the Flathead County Designated Land Use Map. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy, and the proposal is made in compliance with related applicable provisions of the ‘Scenic Corridor’ zoning as outlined in the Flathead County Zoning Regulations which are an implementation of the goals and policies of the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

H. Compliance with Local Zoning

The proposed subdivision is located in an area of Flathead County that is presently zoned Scenic Corridor or is unzoned. As the Scenic Corridor zoning does not regulate land uses other than billboards and cell towers, the subdivision proposal generally complies with local zoning.

Finding #20- The proposed subdivision is located in an unzoned and an area zoned Scenic Corridor and the preliminary plat generally complies with local zoning.

V. SUMMARY OF FINDINGS

Finding #1 – There would be no new impact on agriculture as the subject property has not been used for agricultural production in the past decade and the relatively small lot is located within a larger industrial/commercial complex that would not reasonably support agricultural production.

Finding #2- There would be no impact to agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any apparent existing irrigation agreements.

Finding #3 - The water supply and wastewater management for the proposed subdivision appears to be acceptable with the imposition of conditions because lots will continue to use the existing well and septic system, all components of the system within the subdivision are located in appropriately sized easements, conditions of approval will ensure appropriate easements off-site and water rights are obtained, as applicable, and both the water and wastewater system will be required to be reviewed and permitted by the Montana Department of Environmental Quality as applicable.

Finding #4- Impacts on local services will be acceptable with the imposition of standard conditions because the proposed subdivision would have no impact on local schools, mail delivery will be approved by the postmaster, and no recreational facilities are required for commercial or industrial subdivisions.

Finding #5- The road system appears to be acceptable with the imposition of standard conditions as the primary access would be from Industrial Court, each lot has legal and physical access via a

shared driveway that meets Flathead County Road and Bridge Department standards, and maintenance of the private Industrial Court, shared driveway, and integral access roads shall be addressed via amended Road Users Agreement.

Finding #6- Impacts on local services would be acceptable with the imposition of standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management, would be served within an acceptable response time by the Somers-Lakeside Fire District and Flathead County Sheriff's Department in the event of an emergency, and utilities are already existing underground in conformance with the applicable regulations.

Finding #7- Adverse impacts to water quality as a result of the subdivision are not anticipated because the lots would continue to use the existing well and wastewater system that was established with the buildings in 2005, there is no surface water or shallow ground water present on the subject property, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana department of Environmental Quality.

Finding #8- Adverse impacts to air quality and of noise are anticipated to be acceptable with the imposition of standard conditions as all roads accessing the subdivision and lots are already paved, no other construction is anticipated at this time and the noise from the industrial/commercial buildings will not cause permanent continuous noise in excess of that from the area development.

Finding #9- No new impacts to the natural environment are anticipated as the subject property contains no wooded, floodplain, or riparian areas on site, the nearby wetlands are not anticipated to be impacted by the development, the lots contains only groomed landscaping or natural grasses, and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

Finding #10- Impacts to wildlife and wildlife habitat are anticipated to be minimal and acceptable as the area contains no "key" or critical wildlife or endangered species, there are no natural surface waters, wetlands, or wooded or riparian areas on site or critical wildlife habitat, and all improvements are established resulting in no loss of habitat for the black bear, bighorn sheep, elk, grizzly bear, mountain lion, mile deer, or whitetail deer.

Finding #11- The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams or other surface waters, and according to FEMA FIRM Panels 2275G, the subject property is located outside of the 0.2% annual chance flood area.

Finding #12- The effects of this proposed subdivision on public health and safety in regard to the proposal for water, wastewater treatment, and stormwater management is acceptable with the imposition of conditions because the existing well and septic system would be used, a water right, as applicable, would be required as a condition of final plat, and the wastewater treatment systems and stormwater management plan would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

Finding #13- Impacts of the proposed subdivision on the area road network appear to be acceptable because adequate legal and physical access exists to the subdivision via Industrial Court, the shared driveway to proposed Lots 1 and 2 is paved and located within the 60 foot wide

road and utility easement, sufficient room for emergency vehicles to turn around exists on site, and a Road Users Agreement exists for maintenance of the private portion of Industrial Court on site and the shared driveway.

Finding #14- Minimal risks to public health and safety are anticipated with the imposition of conditions because the existing BPA transmission line is located within a 200 foot easement, there are no high pressure gas lines on or around the subject property, there are no apparent hazards associated with geology, avalanche, or airport influence areas, and soils on the subject property appear to be appropriate to support the existing infrastructure.

Finding #15- The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

Finding #16- No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 1, 2014 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

Finding #17- The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 1, 2014.

Finding #18- The preliminary plat identifies adequate easements on-site for utilities to serve the subdivision. All other easements associated with this subdivision, including the water line easement on the property to the north and the subdivided property shall be clearly located on the Final Plat or documentation of the easement shall be provided to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

Finding #19- Industrial Court will provide legal and physical access to the subdivision and legal and physical access to the individual lots currently exists via the shared driveway. The internal road system would be privately maintained, occurring within a 60 foot wide private road and utility easement.

Finding #20- The proposed subdivision is located in an unzoned and an area zoned Scenic Corridor and the preliminary plat generally complies with local zoning.

VI. CONCLUSION

In accordance with the provisions of Section 4.4 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision application has been completed by the staff of the Planning Board. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to draft Findings of Fact prepared herein, or identified impacts can be mitigated with conditions of approval. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, the following conditions should be considered to supplement that recommendation.

VII. CONDITIONS

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Somers-Lakeside Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b), FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25, FCSR]
4. With the application for final plat, the developer shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
5. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23, FCSR]
6. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20, 4.7.21 FCSR]
7. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28, FCSR]
8. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22, FCSR]
9. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
10. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23, FCSR]

- c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]
- 11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
 - 12. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16, FCSR]
 - 13. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13, FCSR]
 - 14. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

- 15. Prior to final plat approval the developer shall provide evidence that all applicable water right requirements of the Department of Natural Resources Water Resources Division have been met. [Section 4.7.20(d) FCSR]
- 16. An easement of at least 10 foot in width shall be obtained to ensure proposed Lots 1 and 2 are given access to the well located on Lot 5 of Alpine Industrial Park Subdivision Phase 2.

RE